



A vision for the future

**International Conference on Agrarian Reform and
Rural Development (ICARRD)**

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**A CASE STUDY
ON**

**Policies and Practices for Securing and Improving Access to and
Control over Land in Ethiopia**

AND

**THE OUTCOME REPORT AND THE PROCEEDINGS OF THE THEMATIC
DIALOGUE HELD ON 17 January 2006
Addis Ababa**

**A PROCESS AND A CONTRIBUTION LEADING TO ICARRD
*"NEW CHALLENGES AND OPTIONS FOR REVITALIZING RURAL COMMUNITIES"***

**Submitted By ActionAid Ethiopia with funding support from the European
Community
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**Case Study on
Policies and Practices for Securing and Improving Access to and
Control over Land in Ethiopia**

**Prepared for International Conference on Agrarian Reform and Rural
Development (ICARRD)**

**Submitted to
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By ActionAid Ethiopia

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EXECUTIVE SUMMARY

Review of literature suggests that in Ethiopia lack of adequate access to and control over land is among the major reasons for rural poverty and food insecurity. Literature also shows that since the Imperial era that ended in 1974 up to the present, tenure insecurity, landlessness, diminution of farm holdings, and lack of proper land administration system are among the persistent problems of the rural land tenure system.

In rural Ethiopia, regardless of restricted access mechanisms stated by de jure situations since the 1975 reform, many mechanisms of access to land have been active in the country. These include both the formal administrative and informal and customary ways: administrative land redistribution, intra-family transfers and land transactions, land access through community membership, and resettlement and squatter settlement. These land access mechanisms have different characteristics and had given different levels of access to different groups of the rural people.

Administrative land redistributions that mainly characterized the military regime's rural land tenure (1975-1991), which have also continued to some extent under the present government, have been carried out arbitrarily by local political and administrative officials. Young peasants, women, pastoralists and ressetlers and other displaced people were among those groups of the rural society that were negatively affected by such a transfer mechanism.

Intra-family transfers were also more common and customary ways of access to land. It was found that in this mechanism of access women in particular were disadvantaged for many reasons including some cultural issues. For instance, the partilocal system of residence where wives are expected to go to husbands' living areas has negatively affected women's access to land. This is because since the 1975 land reform access to rural land is possible only to those people who live in a specific locality of a Kebele administration. By the assumption that women go to the area of their husbands, they were denied access to both family land and land to be allocated by the administrative reallocation. In some cultures women are also not allowed to inherit land and even other property.

Land transactions in the form of mainly land rentals and sharecropping are found to be important mechanisms of access to land both in the past and at present. However, here again, it is the better off peasants who have more access to land through transactions mainly because land-scarce households, who also lack other important assets like cash, labour and oxen, tend to rent out their lands. Transactions in the form of sharecropping have problems in that sharecropped lands may not be cultivated properly. Here also female-headed households are among the losers as they mostly sharecrop out their lands.

Access to land through community membership prevails in the case of communal land resources such as grazing lands and in pastoralist pasturelands. This more customary system did not get enough attention in rural land administration, and land rights over such communal lands have not been respected. Such lands have been taken away from peasants and pastoralists, without due process and compensation, by the state and allocated to different development projects.

Despite being one of the measures taken by different regimes, resettlement practices did not seem to provide sustainable and secure access to land by those resettlers because of lack of proper implementation as well as different forms of conflicts that arise between resettlers and host communities.

Overall, growing landlessness, diminution of size of farm holdings, other forms of restrictions on land rights that hinder access to land, tenure insecurity, and lack of control over land seem to be important problems at present.

Among the measures that the present government has taken to improve rural land tenure problems are: the provision of different land administration laws, the establishment of land administration institutions, and land registration and certification. The Federal and some regional governments have taken initiatives to institutionalize land administration practices that used to be undertaken arbitrarily in the past. Tenure security is more recognized by the government as an important land tenure problem and a more specific measure that is forwarded to address this problem is land certification. To this effect four major Regional States (Amhara, Tigray, SNNPR, and Oromia) have now started providing certificates to farmers. Pastoralist areas are, however, not adequately covered in both the land administration laws and land certification.

While in Amhara Region the land administration was started in a formal and modern cadastre in two pilot Kebeles, generally the land registration and certification moves in the country seem more campaign-like, done in a more traditional system and difficult exercises. A closer look into the Amhara region's land registration and certification process indicates that there is simplistic and bold assertion by policy-makers that land certification will immediately bring about tenure security and increased investment in land. It is also observed that there are high costs to farmers (their time, labour and opportunity costs) in terms of implementing such land registration plans and this does not seem being taken care of.

To day in Ethiopia, as in the past, land administration seems more top-down process which is contributing to weaker access to and control over land especially by women and the most vulnerable group of the society. Almost in all cases, traditional land management systems have been undermined. Genuine community participation and good governance are not yet properly addressed in the new land administration systems.

Furthermore, there is an institutional problem in that at the local level the land administration structure is undertaken on an ad hoc basis by committees and unpaid committee members, and at higher levels there is lack of clear jurisdiction and coordination among the different government organizations that have to do something with the land. It was also observed that given the federal government's delays in developing land laws and reluctance to clarify institutional assignments as well as allocation of resources, more is to be done in terms of political commitment.

Ethiopia now faces three major challenges in terms of establishing a system of rural land tenure that guarantees access to and control over land: (1) Access to land is more a promise than a reality - despite the constitutional rights of free access to land demographic pressure, land scarcity and lack of adequate system of land administration function against securing such rights of access to land. (2) Given the existing legal, political and administrative problems, tenure

security and good resource management are not easy tasks to be achieved. (3) Introducing genuine community participation and good governance in areas of land administration and resource management also seem to be difficult tasks. Given such a situation, it is important to realize that tenure security, even if it is achieved, is a necessary but not sufficient condition for agricultural transformation and rural poverty alleviation. Here again, the challenge is securing all other efforts in a concerted manner and in terms of introducing policies, technologies, institutions, systems, services and others that will, with an improved tenure system, help to reduce rural poverty and transformation of agriculture.

During the two workshops conducted in the process of preparing this case study, many issues were raised as to what to contribute in such efforts towards establishing a more secure access to and control over land. It was mentioned that FAO, USAID, SIDA, GTZ, SOS-Sahel, ActionAid Ethiopia, OXFAM International (including its members like OXFAM GB and NOVIB), CDRA through its Rural Development Forum, Sustainable Land Use Forum, International Civil Society Food Security Network, Ethiopian Economic Policy Research Institute, Addis Ababa University, Forum for Social Studies and other organizations have been working and/or have interest to work in the area of rural land tenure. SIDA and USAID are explicitly supporting the country's effort towards the establishment and strengthening of land administration systems.

Workshop participants noted that cooperation could be fostered in areas of assisting the development of land administration laws and policies in those regions where they are not established yet and by strengthening them in regions that already have been established. Pastoralist areas are among those where the land administration system has not been introduced and this was given special attention by workshop participants. It was also mentioned that the land administrative systems have to take into consideration the livelihood systems of rural communities and that this element has to be given attention. The impact of HIV/AIDS on land use and land access and control was also noted as an area of interest in cooperative efforts. Among specific and potential intervention areas indicated by the workshop participants are the law-making process, organizational set up, land registration and certification, HIV/AIDS and access and control of land, women's land access and control, consultation of land users in assessing the tenure situations and developing land administration institutions, and examining and incorporating community livelihoods in the land administration system.

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DISCLAIMER

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ACRONYMS

CDRA	Christian Relief and Development Association
EPLAUA	Environmental Protection, Land Administration and Utilization Authority
ESDPRP	Ethiopia: Sustainable Development and Poverty Reduction Program
GB	Great Britain
GTZ	Gesellschaft für Technische Zusammenarbeit (Germany)
ICARRD	International Conference on Agrarian Reform and Rural Development
Kebele	the lowest Administrative unit of the government structure
KLAC	Kebele Land Administration Committee
LLPPA	Local-level Participatory Planning Approach
MAP	Method for Active Participation
NOVIB	OXFAM Netherlands
OCHA, EUE	Office for the Coordination of Humanitarian Affairs, Emergencies Unit for Ethiopia
PADETES	participatory demonstration, training and extension system
PADIS	participatory approach to development information systems
PAPI	participatory action planning and implementation
PEP	participatory extension planning
PLUPI	Participatory land use planning and implementation
PRA	Participatory Rural Appraisal
SIDA	Swedish International Development Agency
SNNPR	Southern Nations, Nationalities and Peoples Region
USAID	United States Agency for International Development
Woreda	District

PART ONE: CASE STUDY

1.0 Background

1.1 Introduction

The United Nations Food and Agricultural Organization (FAO) Council at its 128th Session in June 2005 unanimously approved the proposal to organize an “**International Conference on Agrarian Reform and Rural Development (ICARRD): New challenges and options for revitalizing rural communities**” to be hosted by Brazil. The objectives of ICARRD are: a) to promote understanding, learning and constructive dialogue to address agrarian reform, sustainable rural development, and rural poverty issues through the creation of a lasting platform of monitoring and evaluation of best policies and practices and the progress on agrarian reform and rural development; and b) to share experiences, fostering recognition, improving willingness, and concrete actions by the international community, governments, producer organizations, civil society organizations, and others to enhance international cooperation and promote more equitable, transparent and accountable access to land and natural resources.

Countries were to select themes and present case studies on the Conference. The case study presentations and discussions at ICARRD would serve to promote ways of partnership and dialogue for concrete priority actions, projects, and programs in FAO member countries. FAO has invited governments and other stakeholders to participate in this process of sharing best policies and practices by submitting a thematic dialogue report. **ActionAid Ethiopia**, as an implementing agency of EC project entitled “International Civil Society Food Security Network”, has commissioned the development of Ethiopia’s case study.

The Ethiopian case study focuses on the theme “*Policies and practices for securing and improving access to and control over land*”, which is one of the main sub-themes under agrarian reform identified in the FAO Guidelines. This theme was selected in consultation with concerned partners in Ethiopia. Next to selection of the theme, a brief workshop was carried out in December 14, 2005, with the purpose of initial identification of issues. In this half-day workshop an outline of issues was presented by a consultant and discussions carried out. Representatives from FAO, ActionAid Ethiopia, Addis Ababa University, NGOs and other institutions were present. Through discussions, different perspectives, ideas, suggestions and comments were forwarded for inclusion in the Report. After preparation of a draft case study paper, a national workshop was organized on January 17, 2005. Here again, representatives from FAO, Government, donor organizations, NGOs and other civil societies have participated. Important comments and ideas were gathered from the Workshop.

Given the time constraint, this case study is largely based on desk review of the land tenure literature, thorough review of the government land laws and other documents, and the knowledge and experience of participants of the workshop and the national consultant.

The case study is presented as follows: Section 1.0 provides a legal, sociological and historical background to the case study. It focuses particularly on the features of rural land tenure systems in Ethiopia before the 1975 land reform up to the present and in the different political regimes of

the country, access and control over land by the rural people and major problem areas of the rural land tenure system. Section 2.0 discusses problem areas in access to and control over land in Ethiopia. The third section, highlights important measures taken by the present government towards improving the existing rural land tenure problems. The fourth section outlines lessons learned from Ethiopia's land administration initiatives. The fifth section presents the major challenges faced in terms of improving the existing tenure situation. Section 6.0 highlights the proceedings of the National Dialogue on the Ethiopian Case Study, held in Addis Abba on 17 January 2006. The final section presents ideas forwarded by the different partners taking part in the National Dialogue concerning opportunities for cooperation and specific areas of intervention to improve Ethiopia's land tenure system.

1.2 Brief review of the Ethiopian rural land tenure system in the past and at present¹

In the Ethiopian agrarian subsistence economy, adequate access to land is one of the most important determinants of household production, food security and rural welfare in general. A large number of households are unable to produce sufficient food because, among other reasons, they have no adequate access to land. Review of rural land tenure systems of the country under the different regimes shows persistence of problems that hinder access to land.

Rural land tenure under the Imperial regime (before 1974): The land tenure system of the Imperial regime (before the 1975 Land Reform) was diverse in nature (private, government, kinship, and other forms). It was largely considered as a hindrance to the country's development in general. It was made the most important cause of political grievances that led to the overthrow of the regime. Institutional inadequacy- lack of necessary legal framework and enforcing institutions-, land concentration for political reasons in the hands of absentee land lords and its underutilization, unchecked and exploitative tenancy, tenure insecurity including arbitrary eviction, diminution and fragmentation of farm holdings, and other problems are noted as features of the then Ethiopian land tenure system. Access to and control over land was largely in favor of aristocrats, feudal lords and other influential persons who had good relations with the political leadership. Poor peasants, pastoralists, minority groups, and women were among the disadvantaged groups in the then rural land tenure system.

Rural land tenure during the military regime/Derg (1975-1991): The Derg, through the 1975 Land Reform and under the motto "land to the tiller" made all lands state-owned and abolished the diverse tenure regime that existed before. It has provided land to peasants and has done away with some of the land tenure problems (such as land-lord tenant relations). But in addition to making all lands government-owned, the Derg land policy prohibited land transfers though land sales, mortgage, and exchange. Frequent administrative land redistributions², constrained access; tenure insecurity; diminution of size of holdings and fragmentation of plots; inefficient allocation of land; discouraging peasant movement outside the countryside and farming occupation; and

¹ For review of literature see Yigremew (2002).

² Following the 1975 land reform, land used to be redistributed locally. These had happened to accommodate new demands by young peasants, to readjust holding distributions, to spare land for development interventions such as agricultural production cooperatives and villagization, and other reasons. But the redistributions were not planned and nationally guided but local. In some localities studies indicated that there were up to seven redistributions held during the Derg time. In others, however, there might be only one or not at all.

inappropriate land administration were among important features of the rural land policy from 1975-1991. While some peasants with some political power were considered to have better access to land, young peasants, pastoralists, women, resettles and other displaced people had faced land access and control problems.

Rural land tenure under the current regime (since 1991): The military regime collapsed in 1991 and a new government led by the Ethiopian Peoples Revolutionary Democratic Front was established. Since then, some policy changes have been introduced: land transfer through rental arrangements were allowed (with some restrictions), private commercial farms are also allowed, after 1997 some policy initiatives are also made towards land administration and use. Land registration and certification are being undertaken in some regional governments (Amhara, Oromia, Southern, and Tigray) and in 2005 the Federal government has provided new land administration legislation that supports land registration and certification initiatives of regional governments. However, at present, state ownership of land is maintained as before and is enshrined in the 1995 constitution.

Article 40 of the 1995 constitution states, “the right to ownership of rural land and urban land as well as all natural resources is exclusively vested in the state and in the peoples of Ethiopia”. Land is a common property of the Nations, Nationalities and peoples of Ethiopia and shall not be subject to sale or other means of exchange” (Sub. Art. 3). The Constitution also has provisions regarding other land rights. Sub Art. 4 provides “Ethiopian peasants have right to obtain land without payment and the protection against eviction from their possession.” Another important provision (Sub Art. 7) says that “Every Ethiopian shall have the full right to the immovable property he builds and to the permanent improvements he brings about on the land by his labour or capital. This right shall include the right to alienate, to bequeath, and, where the right of use expires, to remove his property, transfer his title, or claim compensation for it.”

In addition to state ownership, land transfers through land sales, mortgage and exchange are still prohibited, landholders have limited use and transfer rights, and land administration is not yet systematized and democratized.

Despite the above recent policy measures, land tenure problems still prevail (such as tenure insecurity, restrictions on access/transfer, lack of adequate land administration system). Landless particularly young peasants, land-scarce peasants, pastoralists, women, and resettlers and other displaced people are among those who have problems related to having adequate access to and control over rural land. As a result of important similarities that existed between the land policies of the Derg and present government (state ownership, prohibitions on land transfer by ways of sales, mortgaging and other forms of exchange, and others) there are many people who argue that such policy changes on rural land made by the present government are not fundamental.

1.3 Access to land

In rural Ethiopia, regardless of restricted access mechanisms stated by de jure situations since the 1975 reform; many mechanisms of access to land have been active in the country³. These

³ For detailed discussions see Yigremew 2004.

include both the formal administrative and informal and customary ways (land redistribution, intra-family transfers, land transactions, land access through community membership, and resettlement and squatter settlements).

Administrative redistribution: The 1975 land reform was considered successful in terms of granting access to land to Ethiopian farmers. In the literature one commonly finds that since the 1975 reform continuous, frequent, or persistent land redistributions had been the major characteristics of the land tenure system. The literature also shows that this has been the most important mechanism of access to land by those peasants. Such redistributions were, however, done arbitrarily and under local political and administrative organs. In the process, it was argued that plots have changed hands frequently and peasants lost sense of tenure security over those holdings and it has also led to diminution of holdings. As a result, there is a tendency since 1990s to ban redistribution. Women and young rural peasants are mentioned as among those who could not get fair access through such arbitrary redistributions.

However, redistribution appears in the present land administration laws of regions and the Federal Government. But while redistribution is envisaged in irrigation sites in all existing land laws, there are some qualifications for redistribution in other types of farm areas. There are some concerns related to such tendencies to ban redistribution; one important concern is what will happen to young landless and land-scarce peasants⁴ at least in the short run and where there is no viable livelihood alternative other than farming. Another issue is what happens to areas where there is uneven and unfair distribution of holdings if no redistributive measures are to be done. National statistics shows, for example, that there are some households having five to ten hectares of holdings while there are many landless in the same area (see Table 1). This also shows the unregulated and unsystematic land administration system that existed since the 1975 reform.

Inheritance and other forms of family transfers: As mentioned above, intra-household land transfers are important means of land allocations particularly when government reallocations are non-existing or not effective enough. This could take the form of inheritance, gifts, and other. Despite appeal in the literature to the role of administrative land redistributions as being most important mechanism of access to land since the 1975 land reform, case studies show that inheritance used to be an important land transfer mechanism. In many areas of the country, it is customarily a moral obligation that parents provide land to their children. This had been an important mechanism of access to land particularly in areas where there is scarcity of land and land redistribution was not that frequent.

However, this is not to generalize that this happens in every household, to everybody and everywhere. There are intra-household and inter-generation conflicts on access to land, there are cultures different from the above cases where it is customarily a moral obligation that parents provide land to their children, and there are policy and administrative issues affecting such forms of access, to mention few. For instance, while intra-family transfers were strengthened in the

⁴ There are no national figures on landlessness but in some micro-level studies those young peasants who claim for land are about equal in number to those who have land. Land-scarce peasants could be seen from Table 1 below that shows well above two-thirds of the farming community having one or less hectare that is not sufficient, given the technology used, to produce enough food for the family.

past by allocating land in accordance with family size, in 1996/97 land redistribution in the Amhara region politics was considered more important than household size. As a result, many households were unfairly dispossessed of their land and their children lost the potential claim for family land.

Another problem with this access is that there is gender difference in the issue. While the patrilocal residence affects women's access in the north in general⁵, in the other parts of the country there are cultures that may not allow girls to inherit. In the new land laws, there are narrow definitions of family member and one who could inherit land. The laws generally consider that those who can inherit land are people who live within the household and even those without another means of livelihood. These are important restrictions that may limit the role of intra-family transfers including that of the customary practices. Moreover, it is possible that formalization of land rights through the current land registration and certification may affect intra-family transfer systems in the future. Hence, poor young peasants and women seem to be negatively affected in such a situation.

Land transactions: As mentioned above, the 1975 land reform law had restrictions on land transfers (like rental, swapping, sharecropping, mortgaging, etc.). But those legal restrictions of governments had not been effective in restricting land transfers. For instance, sharecropping, fixed rentals, and limited mortgage have been mentioned in the literature as important means of access to land and efficient resource allocation even under the Derg's prohibitive policy.

Many empirical micro-level studies conducted after the Derg also suggest that many of those land transfer mechanisms are functioning, and that sharecropping is the commonest type. Many case studies showed that nearly half of sample households had been engaged in land transaction mechanisms. The commonest type of such transaction in farming areas has been sharecropping. However, it seems that the nature, trends and impacts of such transactions have not been adequately studied. For instance, some studies indicate that there were trends on increased shares and requests for down payment made by land renters, while at the same time there are practices of sharing labour and costs of fertilizer between the tenants and land renters. There are also observations that sharecropped lands, particularly those belonging to women, were not cultivated properly (not well prepared, planted lately and no inputs applied) and had not been much important sources of livelihood for female-headed households.

Still other important characteristics of rural land transactions used to be concentration of land in the hands of better off households. Case studies show that because of trends of scarcity and poverty, land transactions favour access to those peasants who have better assets and cash. This also indicates lack of adequate supportive systems (such as credit) for the rural poor. At present as well, land laws have restrictions on land transactions; limitations on duration of rental arrangements that may negatively affect the transactions themselves as well as land management and productivity (see Table 2).

Land access through community membership: Access to land via membership in communities that have control over resources remains very important particularly in Africa. In Ethiopia, this

⁵ Land is allocated to those who reside in the village/Kebele and when women marry and go outside their Kebeles, they miss such rights of access to land in their previous Kebeles.

could be the case in terms of access to community grazing and other lands both in crop production, agro-pastoralist and pastoralist areas. In such cases, land is accessed through community membership and is allocated to individuals through the community governance structures.

However, in the process of formalization and heavy state intervention, community resources and their institutions have been weakened. In Ethiopia, land rights are officially related to land taxes. There had not been taxes over community lands. And hence, community lands (like grazing lands, woodlots) are considered as government lands. Moreover, local and traditional resource management systems have been weakened since modern administration was able to interfere in those areas. In the past, pastoral lands used to be taken for reserves, parks, state farms, commercial farms and other purposes. At present as well, there are tendencies and practices of not respecting such community property rights. For instance Art 5 (3) of the 2005 Federal land administration law states “*Government being the owner of rural land, communal rural land holdings can be changed to private holdings as may be necessary.*” The tendency is more towards individualization of the commons and in the process community resources are under destruction and intense pressure. There are many present instances of community lands being arbitrarily taken away from holders and given to investors.

In such a situation, pastoralists are in a difficult condition. Lack of recognition of customary authorities and rights by the government and, at the same time, lack of strong administrative systems has exposed pastoralist resources to scramble and conflict. In some cases strong local chiefs are using their power to possess and benefit from community resources. For instance in agro-pastoralist systems, land enclosure for farming is becoming an important system of resource acquisition. Abolition of communal holdings will severely affect the poor who are benefiting from such resources, even if they are not primary right landholders. This situation and the new trend of formalization of rights may also negatively affect communities that share resources of other far away communities during drought and other difficult situations.

Resettlement: In the past and now as well both government-sponsored large-scale as well as self-initiated spontaneous resettlements have been practiced. While there used to be varieties of objectives to be achieved by the government through resettlement, the major one seems to be managing perpetuating food crisis through better access to land. Generally and in the past, the trend used to be flow of people from highly densely populated and degraded northern highlands of the country to less densely populated lowlands of the south-west and western parts. While there are attention and studies on the state-sponsored large-scale resettlements, the spontaneous movements of people seem to be neglected in general.

At present, resettlement has been considered one important policy option in terms of food security in particular. Office for the Coordination of Humanitarian Affairs, Emergencies Unit for Ethiopia (OCHA, EUE, 2003) assessment study indicates that the government considered resettlement as the cheapest and viable solution to the problems of food insecurity on the basis of (a) availability of land in receiving areas, (b) labour force of the resettlers, and (c) easing pressure of space for those remaining behind, especially after three years. The operational approach is noted to be intra-regional, voluntary, self-help, and iterative without imposition from above and no quota system at all. It was indicated that the short-term resettlement plan is to resettle 440,000

heads of households (about 2.2 million people) in four regional states in three years period (2003 to 2005). The breakdown for the four regional states is 200,000 households in Amhara, 100,000 households in SNNPR, 100,000 households in Oromia, and 40,000 households in Tigray.

Current resettlement practices are confined to intra-regional movement of people. In some cases, like in the Southern region, resettlements are taking place at inter-zone/special Woreda, inter-Woreda, inter-Kebele, and even intra-Kebele levels. It will be difficult here to assume that, for instance, intra-Kebele resettlements provide enough land to the resettlers and host communities. Conflicts relating to resource use and because of cultural differences are also important concerns that may have impacts over secure access to land.

At least in the past, resettlement did not seem a successful venture in terms of providing access to land to those land-scarce peasants. For instance, it is estimated that among those hundreds of thousands resettled during the past regime, only about ten percent have remained in the new areas while others have gone back to their original places (Bruce et al 1994). Among the reasons are conflicts over land resources. Those people who were displaced from resettlement sites had to go back to their original residence areas and in some areas they were allocated small lands by subdividing available holdings of villagers. Importantly, women and other poor people do not seem to benefit from resettlement as physical fitness is among the criteria to choose those able bodied people for the resettlement. In some places, single women are not selected for resettlement. In many cases, husbands go first and family members are assumed to follow latter. This also happens in spontaneous resettlement practices. Therefore, access to land resources by way of resettlement has many important issues to consider from the gender perspective as well.

2.0 Initial diagnostic of the problem

2.1 Major problem areas in access to and control over land

In summary, growing landlessness, diminution of size of farm holdings, other forms of restrictions on access, tenure insecurity, and lack of control over land seem important problems at present.

Although largely mitigated by the 1975 reform, access problems have not been settled in the long run. There are currently many landless peasants; local-level studies show that in some communities up to some 50% of the total households in the study areas are landless.⁶ Rural women⁷ and young people are also particularly disadvantaged in terms of access to land. In

⁶ For instance, in East Shewa Zone, Oromia, 36% of 2749 sample farm households and 52% of the total registered households in those study communities were considered as landless. However, the average farmland in the wereda where those communities are located was 3.1 hectares (Workneh, 2001). Another evidence of such big disparity in access to land was found in Arsi Zone, Oromia. In a survey of 2940 farm households in three communities it was found that 1400 (47.6%) were landless. The average holding for all the sample households was, however, 3.58 hectare and some people had up to 12 hectare of land (Degefa, 2001).

⁷ Rural women's disadvantage in terms of access and control over land is provided in many studies. Many of the studies, however, focus on female-headed households. They generally have less access and control over land. The major reasons sited in the literature include patriarchy, lack of other resources like male labor and oxen, biases of

addition, there are many households that have minuscule land holdings; increasing population pressure on those already densely populated areas is commonly mentioned as one of the causes of the problem. However, it is also felt that there is some degree of inequity in landholding across regions and localities.

Diminution of land holdings to the extent that households are unable to feed their families is another problem (see Table 1 below). Due to the rapid increase of the rural population and lack of significant alternative livelihoods other than farming, the average size of household land holdings has diminished through time. At present, the average national farm holdings are estimated to be about one hectare, while the minimum size for subsistence is suggested to be well above that. As Table 1 shows, about two-thirds of the farming households have on the average one hectare of land or less. Given the level of productivity, the case of diminution of holdings could be understood as a serious problem.

Table 1. Distribution of rural agricultural holders by size of holding

All Holders	Size of holding in hectare						
	Under 0.1	0.10 – 0.50	0.51- 1.00	1.01 – 2.00	2.01 – 5.00	5.01 – 10.00	Over 10.00
10,553,514	767,740	3,104,141	2,727,486	2,585,278	1,264,421	95,068	9379
Percent of holders	7.3	29.4	25.8	24.5	12.0	0.9	0.1
Cumulative percent	7.3	36.7	62.5	87.0	99.0	99.9	100
Average number of parcels per holder = 3	1	2	3	4	5	7	7

Source: Figures taken from Central Agricultural Census Commission (2003).

Additionally, after the 1975 land reform, restrictions on land transfer and egalitarian land allocation practices created problems of access to land and contributed to the misallocation of scarce land. Presently, restrictions on land transfer through inheritance and land transactions create similar difficulties. Land inheritance practices are also constrained by mandates that those who get access to land through inheritance should be Kebele residents and have farming as their principal means of livelihood. For instance, in the new regional land administration laws, inheritance is limited to “family members with no livelihood support” (in Tigray region) and to “family members with no other livelihood support” (in Amhara, Oromia and Southern regions). Such restrictions may be thought in terms of providing priority to farmers, but they also discourage diversification and limit land rights of landholders as well as those who want access to land.

Access to rental arrangements is also constrained in many ways (Table 2). During the Derg era, rental arrangements were almost totally prohibited by law (except in few exceptions). After the

local officials against women, and less bargaining power. For detailed review of literature and case studies see (yigremew 2001).

Derg era, rental arrangements remain constrained: the rules governing land rental are unclear and land rentals are restricted in many ways. Rental arrangements are allowed in many cases for shorter periods and there are limitations on the proportion of holdings to rent out. Both have implications for tenure security (shorter tenure may imply insecurity), for resource management (discouraging investment) and for control over land (limiting proportion of holdings for rental implies limiting one's ability to decide on his holdings). The following table shows what the rental arrangements in the recent regional land administration laws look like.

Table 2. Conditions in rental arrangements

Regions	Types of leases and/or technologies used	Rental period (yrs)	Conditions on rented - out holdings	Renewal conditions
Amhara	Not specified	Up to 25 yrs	- All holdings	- Renewable
Oromia	a) Traditional technology”	Up to 3 years	The holder can rent out only half of his holdings	Not clearly stated
	b) Modern and improved technology	Up to 15 yrs	Only half of the holdings	
SNNPR	a) Traditional technology	Up to 5 yrs	The holder could rent - out all his holdings provided he has a substitute livelihood support.	No clear provision.
	b) “Modern technology “	up to 10 years	Same as above	No clear provision.
	c) “Investor”	up to 25 years	Same as above	Renewal upon the agreement of the two parties
Tigray (1997 law)	a) Traditional technology	Up to 2 yrs	- All holdings	No mention
	b) Modern technology	Up to 20 yrs	- All holdings	No mention
Federal (2005)		Leaves the discretion to regional governments		

Source: Various Regional land laws cited in the Reference section.

Tenure insecurity continued to be cited as one of the most serious and ever-perpetuating problems of Ethiopia's rural land tenure system. Insecurity relates to issues of robustness, duration, and enforceability of land rights. To start with, the most comprehensive land right - the right to ownership- rests on the government. Land mortgaging and other forms of exchange are also prohibited. Other land rights (such as transfer) are also constrained in many ways (as seen above). Duration of some of those land rights (such as rental) are also limited. Given lack of sound land administration system and institutions, land rights are not yet easily enforceable. Such restrictions indicate the extent of tenure insecurity in the current rural land tenure system.

There is still lack of proper land administration systems. Land administration is about the processes of determining, recording and disseminating information about the tenure, value and use of land when implementing land management policies. Issues of equitable access, proper utilization, transfer, efficient allocation, and management of land all, to a large extent, depend on land administration systems and practices. In Ethiopia lacks appropriate policies, formally established systems, institutions and practices that deal with national land administration.

A lack of comprehensive land laws and policies is one of the problems. For instance, despite the 1995 constitutional requirements for regional land laws, in many regions land administration laws and the institutions necessary to enact these laws are not yet developed. On the other hand, there has been a growing concern that the lack of such land use and land administration institutions is negatively impacting the use and management of natural resources of the country.

Women and other vulnerable groups: Young landless and land-scarce peasants, pastoralists, women, resettlers and other displaced people living in rural communities have serious problems in terms of access to land. These are important sections of the society, given the government's rural development strategy that intends to depend on the assumptions of abundant land and labor in the country.

Rural women's access to land by is an important issue that needs further emphasis. It is important to note that data on women's situations are not readily available. There is lack of sex-disaggregated data to show women's economic situations in this country. Even existing studies are more on female-headed households than women in general. In rural Ethiopia, women constitute almost half of the population, and their contribution to the country's agriculture is significant. The latest agricultural census results (Central Agricultural Census Commission, 2003), show that out of the estimated 54,548,079 total population in agricultural households, 27,014,361 (49.5%) are women. Among those members of the agricultural households who were engaged in economic/productive activities, women constitute almost half (49.6%) of the total population. Despite this significant contribution to the economy and social development, women do not enjoy the fruits of development equally as their male counterparts.

Studies⁸ and government policy documents (for instance: ESDPRP 2002, Food Security Strategy 2002) identify women in general and female-headed households⁹ in particular as belonging to the most vulnerable groups in society. Among those causes of rural women's poverty is their

⁸ For summary of literature, see, Yigremew 2001.

⁹ The proportion of female-headed households is increasing. The ESDPRP (2002) document, for instance, indicates that female-headed households constitute 26% of the total households in the country.

inadequate access to resources and to rural land in particular. Rural women in general and female-headed households in particular have less access to and less control over land and other productive resources.

The reasons for such disadvantages experienced by rural women in the past in terms of access to land are varied and complex (Yigremew 2001). These include, among others, the gender division of labour, patriarchal systems working against women, limited membership in local institutions, smaller size of women's households, gender biases of local officials, and lack of access to other critical resources and services. The patriarchal system existing in the country is mentioned as creating land access problems for women. In general, land is allocated to the family jointly but, at least in the past and even now in some cases¹⁰, land was registered in the name of the household head, which in the case of married couple has been construed to mean the male head of household.

The common practice of household residential location is also a patrilocal system where wives move to the residential areas of their husbands' families. Today, land policies still dictate that access to land depends on one's residential area. Ownership of other resources, such as labour and oxen, was also found to be a necessary condition for one's claims to access to land, recognised by officials and even by family members themselves. Female headed households, in general, are found to have less access to resources such as oxen and labour. As these are critical assets in farming communities in Ethiopia, women without such critical resources are considered to be, at best, "weak farmers" and often as "non-farmers," which has resulted in marginalizing women when it comes to community land distribution efforts (Frank, 1999).

It is very important to study how all those rural land access mechanisms and the newly initiated rural land administration systems affect women and female-headed households' access to and control over land. For instance, Zenebework and Yared's (2000) review of literature on women's land rights indicated that there are many factors that have to be addressed if women are to fully enjoy their land rights: the existing inheritance laws (more broadly a family law), women's literacy including legal literacy (that is women's knowledge of their legal rights), the social legitimacy of women's claims (that is whether the claim is considered a valid one in the community of which the women's household is a part), women's access to government officials who administer land related matters, women's access to economic and social resources, and women's ability to organize and form coalitions with other gender progressive groups. Generally, it could be recommended that serious measures should be taken to address the issues of rural women's access to land if any meaningful poverty reduction is to take place in the country.

Control over land and empowerment of rural communities is still an area of concern in present land tenure system. The limited number of land rights and the restrictions on existing rights imply that landholders have little control over their landholdings. For instance: ownership belongs to the government; transfer rights to acquire land by way of purchase, exchange or mortgage are prohibited by law; there are restrictions on inheritance in that only a family member can inherit land; and land lease rights are restricted in terms of proportion of land to be

¹⁰ In Tigray region for instance following the 1997 land law, land was registered in the name of the household head and did not include the names of both spouses. In a married life, in general the husband is the household head.

leased out and the duration of each lease period. Despite the fact that there are provisions on compensation for land taken by the government, this is not carried out properly with due process and formal rules. Landholders therefore have little discretion to make decisions concerning their holdings, and this lack of decision-making power implies holders' lack of control over their holdings.¹¹ However, after the change of government in 1991, the government expressed in policy documents that it will follow decentralized and participatory approaches.¹²

In reality, rural communities have not been empowered to make decisions about their land and other natural resources. At present, many rural and traditional institutions have not been given appropriate voice in the decision-making process regarding land administration and management of resources; land administration was historically undertaken by political and administrative institutions. In land administration laws and policies, community organizations and traditional institutions are not given due consideration. For instance, despite mentioning the existence of communal holdings, no detailed provisions on their administration by traditional institutions exist. But traditional management of such resources like communal grazing lands in farming communities and lands of pastoralists have long been managed by local traditional institutions. When there are no formal and adequately organized institutions to administer natural resources, traditional rural institutions are undermined and weakened by modern top-down rural development approaches.

One important manifestation of such institutional gaps and the alienation of the rural community from resource management is that the communal natural resources formerly managed by rural communities and their institutions are being destroyed; communal grazing lands, woodlots, and other resources are currently left without proper management. The Government's paternalistic approach in terms of natural resources management could not convince the rural communities to protect the resources. Another example is that there is an official view that considers communal resources as existing in an open access regime and hence there is an intention to individualize such resources.

¹¹ Land policy management since 1975 land reform was described as interventionism and statism (Dessalegn, 1994). Dessalegn noted that the first (interventionism) assumed that frequent interventions of rural agents are necessary to impose discipline and uniformity, and to insure success in development activity. The second (statism) was grounded on the notion that the state was the chief actor, thinker, planner, and the main provider of all benefits. He pointed out that both interventionism and statism were closely connected with the reform agents' conception conceptions of the peasantry, which was paternalistic at best and derisory at worst. Regarding community participation and rural institutions Rural institutions were stripped of their decision-making power, and that no effort was made to involve or consult peasants or their leadership on decisions affecting their lives. It is underlined that regulatory state interventions invariably undermine popular authority structures, local institutions as well as peasant confidence. He also expressed his apprehension that despite changes in the political climate since 1991, state ownership of land would create the conditions that made interventionism, management by fiat, land evictions and rural corruption that existed during the Derg time.

¹² Elizabeth Harrison (2001) noted that it was very striking to see how ubiquitous participatory approaches to development are in rural Ethiopia at present. She mentioned PADETES (participatory demonstration, training and extension system), PLUPI (participatory land use planning and implementation), PAPI (participatory action planning and implementation, LLPPA (local-level participatory planning approach), PEP (participatory extension planning), PRA (participatory rural appraisal), MAP (method for active participation), and PADIS (participatory approach to development information systems).

Land is a political asset and government does not seem interested in relinquishing its power over such an important resource. Lack of recognition of indigenous local institutions has created difficulties in attempting establishment of a system of local natural resource management with local indigenous institutions attempted by NGOs like GTZ and SOS-Sahel. Therefore, both in rural development in general and control over and management of natural resources in particular, community empowerment seems a task not adequately addressed yet.

In summary, land scarcity, tenure insecurity, limited land rights and restrictions on many land transfer mechanisms are among the problems of access to land at present. Landless and land-scarce young peasants, pastoralists, women, resettlerd individuals and host communities seem to have problems in terms of land access and control. Given the demographic structure of the country and lack of other viable livelihood means in the short run, this problem is a challenge to the country. Moreover, the issue becomes worrying when one thinks about the government's rural development strategy which assumes that the agricultural sector will play a leading role in national development, based on presumed abundant land and labor resources.

3.0 Concrete modality of the intervention carried out; measures taken by the government

3.1 Land administration laws and institutions

Under the debate on current rural land issues and pressure from different sources, the present Ethiopian government has taken measures to address the land tenure problems of the country. While the land debate was more on the ownership issues, the government doesn't want to change its public ownership policy, yet is trying to show that it is committed to guaranteeing access to land to peasants and pastoralists and to ensuring security of land use rights. As mentioned above, government's ownership of all lands and peasants' and pastoralists' free access to rural land are enshrined in the 1995 Federal Constitution. Since then, both Federal and regional governments have started to take some measures to address some of the above land tenure problems.

The need for federal and regional rural land administration laws is indicated in the 1995 Federal Constitution and is generally (and as officially stated) directed towards addressing land tenure problems. Land administration and use laws focus on issues of land access and tenure security and are among important government measures that must be undertaken to alleviate land tenure problems.

Regarding land tenure issues and their economic implications, it seems that since the last days of the Derg regime, policy intensions, at least officially stated, seem to be based on the well-established economic theory of tenure security and its resultant economic benefits. Put more simply, the theory states that tenure security has a positive impact on land values, investment, input use and land output.

The following examples show how the government considers such land tenure problems and what measures are suggested to resolve the problems. As indicated above, the 1995 Federal Constitution provided for land rights of access, use, and transfer to peasants and pastoralists. It also demands the enactment of land administration laws both by federal and regional governments. Such Federal land administration law was enacted in July 1997 - "Rural Land

Administration Proclamation, No. 89/1997.” This law vested Regional Governments with the power of land administration. The law provides peasants with holding rights defined as “the right any peasant shall have to use rural land for agricultural purposes as well as to lease and, while the right remains in effect, bequeath it to his family member; and includes the right to acquire property thereon, by his labour or capital, and to sell, exchange and bequeath same” (Art 2 Sub Art. 3).

In the 1997 Environmental Policy of the Federal Government it is stated that existence of a system which ensures uninterrupted continuing access to the same pieces of land and resource is one of the key guiding principles of the policy and this is believed to create conducive conditions for sustainable natural resource management. The same environmental policy, in the part that deals with soil husbandry and sustainable agriculture, states that fostering a feeling of assured, uninterrupted and continuing access to the same land and natural resources on the part of farmers and pastoralists will remove “the existing artificial constraints to widespread adoption of and investment in sustainable land management technologies.”

In the Government’s Sustainable Development and Poverty Reduction Program (SDPRSP) as well, ensuring access to land and tenure security is considered as an important measure towards poverty reduction. It is stated that:

In order to protect the user rights of farmers, their land holdings should be registered and provided with certificate of user rights. In this result a guarantee may be given to the effect that land will not be re-divided for a period ranging from 20-30 years. Some regional states have already started implementing this aspect of the land use policy and is a step in the right direction. This needs to be strengthened.

In the ESDRDP Annual Progress Report (2003), in the part dealing with addressing the food security program, it is stated that within the context of the SDPRP, the rural development policies and strategies aim at transforming agriculture from subsistence to small-scale commercial farming. It is then underlined that “A vital incentive for farmers to invest in their land and improve production are the land administration policies that aim to offer individual households greater security over land through a certification process that guarantees land use and transfer rights”.

Regional governments also follow the same arguments. The Amhara region, for instance, with attuned to the alarming natural resource degradation in the region, follows the tenure security dictum noted above. Inadequate security of land use rights and improper land use practices are noted as major causes of land degradation in the region. The Amhara Region’s land administration and use law (Proclamation 46/2000), Art 6(3) states that “so long as the land users utilize the land according to the established rules, this proclamation assures and secures their holding and use rights.” It goes on to state that: “The objectives of the rural land administration and use policy and proclamation are directed towards enabling the peasant to work for sustainable development and making the same the beneficiary of such development by ensuring tenure security.” In both Federal and regional land administration laws, land registration and certification are assumed as important elements of the land administration system of the country towards ensuring tenure security.

Such initiatives towards establishing a land administration system and ensuring security by way of land registration and certification have also been followed by other regional governments. The Federal Government, though not leading ahead and guiding the efforts of the regions, seems following up and appreciating the move. As noted above, it recognizes such moves towards the establishment of a land administration system - land use certificates in particular - as an important move towards increased tenure security. The recent federal rural land administration and use law (Proclamation No. 456/2005) has rationales that include: resolving problems that arise in connection with encouraging individual farmers, pastoralists and agricultural investors; putting in place legal conditions which are conducive to enhance and strengthen the land use right of farmers to encourage them to take the necessary conservation measures; and establishing a conducive system of rural land administration that promotes the conservation and management of natural resources and encourages private investors in pastoralist areas where there is tribe-based communal landholding system.

At the regional level, despite the requirements of the 1997 federal law on the promulgation of rural land administration law by each region, it was lately that some regional governments started responding to such legal requirements (Amhara 2000, Oromia 2002, Southern 2003, and Tigray 2002). These laws contain provisions on land rights, land use, land certification, establishment of land administration institutions and other important provisions. There are also some differences in many of the elements of those land laws. However, provisions on inheritance, rental arrangements, on lease and on compensation are important beginnings that may change the previous arbitrary decisions made by local officials and the high degree of insecurity affecting land allocation and utilization.

More recently, the Federal Government has also provided a law on compensation for expropriation of land from landholders.¹³ This law begins to fill in the major gaps in areas of land expropriation and payment of compensation. There have been numerous actions of evicting peasants from their lands without due compensation. Sometimes peasants have been given new land, if available, while other times peasants were simply expropriated for different reasons. For instance, in the 1997 Amhara region's land redistribution, plots were taken from peasants because those peasants had more than three hectares, or they were alleged as "bureaucrats" or "feudal remnants" whose holding size was limited to one hectare regardless of family size¹⁴. The new federal law states the basis and amount of compensation for the properties situated on the land expropriated, and compensation for permanent displacement.

Land administration institutions: Still another important measure taken by regional governments that could contribute towards improved access to and control over land is establishment of separate land administration (and use) institutions. In line with those land administration and use laws, responsible institutions are organized in both the federal and regional governments. While at the federal level the Ministry of Agriculture and Rural Development is made responsible for the tasks of land administration and use, there is no separately established and autonomous land administration institution. Regional governments have established such units with some variations of organization, location in the government

¹³ Proclamation No. 455/2005, Expropriation of Landholdings for Public Purposes and Payment of Compensation.

¹⁴ See Ege (1997), yigremew (1997).

hierarchy, nomenclature and responsibility. In the Amhara, Southern and Tigray regions this administration is named the “Environmental Protection, Land Use and Administration Authority,” while in Oromia region it is named the “Land Administration and Natural Resource Authority.” At the lower levels of administration, the structure and capacity of the land administration institutions seems weak. At the Wereda level there are Desks of land administration but under Agriculture and Rural Development offices. Moreover, field visits by the author in the Amhara region show that Wereda land administration desks were not adequately staffed. There is scarcity of people trained in the area. At the Kebele level, as mentioned elsewhere in the report, the structure becomes ad hoc. There are committees but no other formal structures; committee members are unpaid, and committees are male-dominated. There is one female members of the Kebele level land administration committee in the Wello pilot project, and there are no women in the pilot Kebele in Gojjam. Such under-representation of women on these committees will ultimately reinforce the existing disadvantage of women in terms of access to and control over land.

3.2 Land registration and certification

Land registration and certification programs are important elements of the government’s measures towards alleviating rural land tenure problems. As mentioned above, tenure security has been determined to be an important problem that must be addressed. It was also indicated that in government policies and programs, land registration and certification are assumed to bring about tenure security and regional governments have started such programs. The recently issued Federal land law (Proclamation No. 456/2005) defines holding certificate as “certificate of title issued by a competent authority as proof of rural land use right.” As mentioned above government considers that such certificates are important documents that bring about tenure security.

Certification programs have been under implementation in Tigray, Amhara, Oromia and Southern regions. The Tigray approach was to issue certificates for all land holdings in the region. These certificates record the name of the landholder, the size of the holding, and the names of the neighbors on each of the four sides of the field. No mapping of fields has been done. There was little effort being made to update records. In the Amhara region, the land certification program was carried out first as pilot in two rural Kebeles (in two different Woredas/districts). The Pilot was a SIDA-supported project. The program has followed a systematic and modern approach to undertaking the certification exercise and involving community members in the project as well. The Pilot has phased out and the Regional government has done scaling up of the registration and certification process but with a traditional system of measurement and with no cadastre. The land certificates state the use rights that each holder has, while some field demarcation also assists in identifying the location of the farmers’ land. Plans were to have all certificates issued within three years. Southern and Oromia regions have followed this practice.

Present certification programs in the regions are seen to be the first of a two-stage process. The first stage is to issue certificates to existing landholders with some limited field identification. This is planned to be completed in 2-3 years. This is expected to be followed with a more accurate delineation and recording of property boundaries using modern methods.

The implications of land registration for land administration are important. The ability to identify landholders and their plots offers an opportunity for government to develop land information

systems which can assist with dispute resolution, land use planning, environmental management programs, and land revenue generation. These land use certificates offer an alternative to formal title registration programs by providing evidence and legitimization of possession without a costly land registration program. Land use certificates can offer some security of tenure to land users. Such land use certificates may be seen as an intermediate step between informal land records and more formal titling programs. There are also positive opinions and hopes from peasants regarding the land certification. Some farmers living in areas where the certification process is underway believe that that certification would strengthen their rights on land. (USAID, 2004; author's field work).

The land registration moves of the regions are to be appreciated for starting an important process necessary for sustainable use of natural resources. However, it has to be known that, even with a good quality, land registration and certification are necessary but not sufficient conditions for tenure security. There are also concerns regarding the urgency vis-à-vis sustainability and effectiveness of such certification programs underway in the regions in such a huge territorial and weak institutional environment.

3.3 Introducing a rural land administration system in the Amhara region¹⁵

The Amhara region's land administration initiative is here taken as a special case to demonstrate interventions and draw lessons from its experience. As mentioned above, regional states have, beyond enacting laws, started taking measures towards establishing land use and land administration systems and institutions. The Amhara region is a pioneer in initiating such a systematic land administration system in the country. It has also proceeded with developing the most systematic and formal land administration system with continuous improvements in legislation, operational systems and institutional development.

The region, with a strong conviction of the existence of alarming natural resource degradation, asserts the tenure security argument as an important incentive for designing a sound land administration system. Inadequate security of land use rights and improper land use practices are noted as the major causes of land degradation in the region. The regional government has, since 2000, advanced forward towards establishing and strengthening the land administration system (Proclamation 46/2000). It is stated that "The objectives of the rural land administration and use policy and proclamation are directed towards enabling the peasant to work for sustainable development and making the same the beneficiary of such development by ensuring tenure security." Despite lack of a Federal level land administration institution, the region established the Environmental Protection, Land Administration and Utilization Authority (EPLAUA) in 2000.

The Amhara Region's land administration and use law (Proclamation 46/2000) is thus mainly directed towards ensuring tenure security and proper resource use. In the preamble of this law it is stated that it was necessary to prepare favourable grounds to determine the rights, powers and obligations of any land user, particularly peasant holders, to use and protect the land authorized

¹⁵ The accounts in this sub-section are based on the author's empirical studies and field work, consultancy report of the Amhara Region on the Pilot Land Administration Project, study report on land administration made to USAID and other documents from Amhara region.

to them. Art 6(3) also states that “so long as the land users utilize the land according to the established rules, this proclamation assures and secures their holding and use rights.” EPLAUA - in addition to conducting institutional development including establishment of the institutional system up to the Wereda/district level, developing regulations, directives and drafting new proclamation - has implemented a pilot land administration project in two rural Kebeles of the region (Addisna Gult in Gojjam and Endod Ber in Wello). This Pilot was supported by SIDA.

Despite the employment of the modern techniques in the land registration in pilot Kebeles, Kebele residents were highly involved in the process of identification, demarcation and adjudication of parcels. The Kebele was divided into three sub-Kebeles (*neus Kebeles*). A sub-land administration committee is established in each of those sub-Kebeles. There is also one *abiy* (main) land administration committee established at the Kebele level. Totally, the Kebele land administration committee (KLAC) had 19 members that include some of the members of sub-Kebele committees. The committee members were given training and awareness meetings were held in the Kebele for all residents. The committees, with assistance and general supervision from the Wereda land administration desk, proceeded towards identification, demarcation, adjudication and registration of holdings.

The KLAC members are enthusiastic about use of the land certification (as observed by the author in the field). According to their opinions the value of the book of holding is high. It ensures land possession, avoids border disputes, confers land rights to both wife and husband, ensures the rights of women, guarantees compensation in the case of loss of holdings, and it confers different rights (inheritance, renting, use). They noted that in the past, including under the present government, land was taken from peasants without any compensation and with the pretext that land belongs to the state and the people, and they feel that this is no longer the case. There are now obligations regarding proper land management and it is a change in itself. They also believe that the cadastre will also avoid border violations and dispute.

The Dessie Zuria Wereda land administration officials explain that the land administration pilot project in Endod Ber rural Kebele has taken more than two years. The Pilot started in January 2003. According to the Wereda land administration officials and farmers of the pilot Kebele, the Endod Ber pilot was successful and no much difficulties were encountered. Land adjudication and demarcation had been difficult tasks given the weak and ad hoc land administration that existed before. Border violations and disputes over possession rights were among important problems. Different members of a family applied for registration on the same plots. There was work burden on land administration committees. A visit in the other pilot Kebele (Addisna Gult) showed more or less the same pattern to that of Endod Ber. But, one significant difference is that there was land redistribution in 1997. People had insisted for a fresh redistribution of land to redress the injustice occurred during the 1997 redistribution, but such demands were ignored by the government officials.

Land registration in a non-pilot Kebele also shows the same patterns: defining the Kebele boundary that used to be loose in the past was a difficult issue; lack of decisions and guidelines on communal lands, lands previously used by mass organizations (youth and women associations), land given to investors but kept idle for long time were noted as difficult cases;

issue of redressing previous injustice in land administration; work burden on land administration committees, and unclear jurisdictions and lack of coordination

4.0 Lessons learned from the land administration initiatives

4.1 Introducing the land administration system is a commendable task

Official sources indicate that there is an alarming rate of land degradation in the country. Land is poorly managed and is losing productivity. Tenure insecurity is the most frequently mentioned cause of such resource degradation. Therefore, any effort towards the introduction of a land administration system in this country should be encouraged.

A good land administration system can, among other things: accomplish the creation of a guaranteed security of tenure that can lead to an increased sense of ownership; enable the productive use of land by facilitating land transfers; and help increase the proper use of land by regulating its uses. Such effects would help promote improved utilization and protection of national land resources.

The recently-started regional land administration systems are, however limited, important beginnings in the country. First of all, they remind concerned authorities and other relevant partners that land should be managed by a separate competent institutional organ like other economic resources and should not be left to political manipulation and arbitrary administrative action. Secondly, they promote thinking about the idea of land being endowed with property rights and develop awareness that individuals can ask for such rights. Thirdly, they are beginning steps towards establishing a sound land use and protection system that has not previously existed.

The Amhara Region's attempt towards introducing a land administration system shows that if there is a political commitment it is possible to introduce such a system that will play an important role in using increased land tenure security to contribute towards national development. The legal and institutional developments that took place in the Amhara region are commendable; peasants' interest and belief in land registration and certification and the level of commitment and performance of the unpaid local people is encouraging. The Endod-Ber pilot land administration demonstrated the possibility of creating a sound land administration system. However, there are also some challenges that require attention if a sound land administration system is to take place.

4.2 The politics of land certification vis-à-vis the introduction of a sustainable land administration system

The bold assertion that land certification will immediately bring about tenure security and increased investment in land seems simplistic. The land administration moves of regions seem dominated by the politics of land certification. Some regions are in a rush to launch land certification processes without adequate preparation. This game seems to serve to challenge the

economic argument against state ownership of land by proving that removing ownership of land from the state will only increase tenure insecurity.

A more important issue is whether the registration will bring about the said tenure security.¹⁶ It is very unlikely to imagine that registration by itself will result in increased respect for the rights of peasants to land. The exercise of land rights is contingent on a political process that involves the ability of the right-holder to enforce the specified social relationships. The tradition in Ethiopia is that, despite the type of a political regime in power, land used to be the 'spoils' of those victors - governments and parties. Preferential access to land has remained a mechanism of reward to those supporters of governments and parties in power while denial of such land rights is used as a punishment and a controlling mechanism. This is not an ancient story in the minds of Ethiopian peasants. It is also known that in Ethiopia even use rights stipulated by law were not respected. Therefore, registration is only one step towards ensuring tenure security; alone it is insufficient.

4.3 There are high costs to farmers

Another area of problem in the success of the existing land registration is its unnoticed costs. In a modern cadastre, land registration requires huge amount of financial resources. But in Ethiopia many development policies are carried out at a high cost of the local population but with minimal budgetary allocations. Peasant mobilization is an important political and administrative instrument in this country. Many unnecessary and wasteful 'development' policies are implemented in haste and at the cost of the peasantry. Peasants' time, labour, social and psychological disruptions are not considered as costs. Costs are simply equated with financial expenses of the government.

It was clear how costly has the land registration been to those land administration committees in the pilot areas. Land administration committees are already complaining of too much work. In some places they have boldly asked for some kind of remuneration. The same could be true to the general population, as the normal life of peasants was disrupted by many meetings in order to implement the land administration project. Another cost not envisaged - but that but will act as a threat to the sustainability of the rural land administration systems - is the maintenance of the system- keeping records, updating information, managing changes, and other activities. This will be prove to be difficult in the future and will be aggravated by a campaign-like move that land registration is being undertaken.

4.4 Sustainable land administration requires community participation and good governance

Another important issue militating against the stability of such a land registration system is the style of governance. Despite the rhetoric of community participation, it seems that peasants were not duly consulted on the issue. There are many issues that the peasants are not happy with the

¹⁶ A senior expert in land tenure has identified four criteria, which should serve to indicate whether or not registration ought to be undertaken: 1. Are there improvements in agricultural production to be gained as a result of registration? 2. Is there evidence of a genuine demand for registration among the people whose land will be affected? 3. Will greater security of tenure result? 4. What are the costs of carrying out land registration? Lawrence quoted in Dickerman et. al. (1989).

style of implementation of the land administration policy. A case in point is that in areas where peasants feel that there has been social injustice in landholding distribution and they requested for a last round adjustment before registration, the issue was ignored. Such last time adjustments were the practice in past land registration experiences in other countries.

Alienation of peasant holdings without due process and compensation gives peasants a lack of confidence in the system of land administration. Conflicting guidelines and authority over peasant holdings (such as those of land administration authorities and agriculture offices and urban jurisdictions) can serve to erode peasant confidence in the potential of land registration to increase ensuring tenure security.

4.5 More is to be done in terms of political commitment

The first observation of efforts to introduce a genuine land administration system is that there is still to do much in terms of political commitment. First of all, the Federal Government is dragging its feet in respect to this effort. Despite the requirements of the 1995 Constitution that land laws be promulgated at federal and regional level, the Federal Government provided the land law in 1997, and there were no such regional laws until 2000. At the same time, while regions were going ahead developing policies and establishing institutions of land use and administration, such moves were lacking at the Federal level. It was only in 2005 that the Federal Government issued a relatively comprehensive land administration law. It is possible that some of the provisions of this law may repeal some of the provisions of regional land administration laws already put in practice. A case in point is that while the Amhara region has allowed mortgaging of land use rights for farmers, in the 2005 Federal land law this right is not granted to farmers but allowed only to investors.

The second problem in terms of political commitment is the location and status of the land administration authorities themselves. Despite the wider scope and high importance of rural land administration, the Federal Government has not yet established a separate institution. A small team within the Ministry of Agriculture and Rural Development is in charge of the task. Another example is regional land administrations used to be accountable to bureaus of Agriculture and Rural Development. So also the Wereda Desks were accountable to the Wereda Agriculture and Rural Development Offices. Land administration tasks are more regulatory; land administration units should serve as regulatory agencies to all those who are involved in land related activities. This subordination seems to be creating problems in the areas of land use and administration. An example is that while the Amhara EPLAUA has almost finished measurement and adjudication of peasant holdings, the Agriculture and Rural Development Bureau later provided a directive regarding areas with a slope of 30 and above degrees, a mandate that will affect the work of EPLAUA and its Wereda offices.

Moreover, EPLAUA used to complain that it was far from the cabinet and could not promote and defend itself in the state structure. More interestingly, the 2005 Federal land expropriation law (Proclamation No. 455/2005, Art. 3(1)) under the title of “power of expropriate landholdings” states that “A wereda or an urban administration shall [have], upon payment in advance of compensation ... the power to expropriate rural or urban holdings...”. The powers and duties of land administration organs are not mentioned in that law. This again creates conflict and

ambiguity, which will ultimately discredit the land administration system and its contribution to tenure security.

4.6 Lack of clear jurisdiction and coordination

What could be observed in the land administration move of the Amhara region is that there is a serious lack of clarity of authority and coordination among those government offices regarding land use and administration. While in the 2000 EPLAUA's establishment proclamation there was a provision on the establishment of a board, this has never materialized. As a result, there is confusion about land administration and use to the extent that undermines the newly introduced system of land administration. The cases mentioned above relating to urban expansion and directive on use of sloppy areas are cases in point. These issues have really created confusion surrounding who has the real authority regarding land administration. If this is allowed to continue, it defeats the whole purpose of a land administration system, tenure security and proper land use.

4.7 The ad hoc nature of the structure at local level creates difficulties

The land administration structure at the Kebele level, where the actual work takes place, is ad hoc and there is no incentive to compensate committee members for the time and labour they spend. Given the demanding nature of the task of land administration, those committee members do not seem to maintain the system without some form of incentives and formal authority. As these committees are not deeply involved in the politics of the Kebele administration, it seems that they have no strong leverage to properly carry out their tasks. Moreover, committee members have no adequate legal power to decide on land issues. Many issues have to be attended by the Wereda Desk (for instance, after the land registration was started, more than three hundred fifty cases were brought to the Dessie Zuria Wereda Desk). Moreover, adjudication (at least partially) is the power of the Wereda regular courts and not the Kebele social court or the land administration structures. Given the localized and complex nature of the land cases, land administration authorities are expressing that regular courts are in a difficult position to examine and decide on land issues. Courts only see cases of inheritance, and being a legal heir does not automatically entitle one to inherit land (because eligibility for acquiring land has many other criteria).

To conclude, it is important and timely to appreciate the efforts towards the introduction of rural land administration system in this country. Creating awareness about the need for and the significance of land administration itself is an important goal. These initiatives of land administration deserve support and encouragement from all concerned. It is also essential that property rights should be defined and respected and land resources should be used properly. It is important, however, to separate the efforts towards instituting rural land administration from the campaign for land certification. Developing knowledge and skills and institutionalizing land administration is a crucial element of rural development in Ethiopia. Land rights, land transfer and land use are key elements in the agrarian transformation process. Capacity for land administration cannot be achieved overnight, and must begin somewhere, if even though a process of learning-by-doing.

5.0 Challenges of land administration in Ethiopia

5.1 Access to land is more a promise than a reality

Federal and regional constitutions promise that Ethiopians who want to work on land and live in rural areas have a “right” to free land. But, in reality, this right cannot be claimed. There are many landless poor peasants who could not have access to land. Given that there are no other viable alternative livelihoods today to such peasants, and given the residence-based land access criteria that keeps peasants in rural areas in anticipation of gaining land and/or not losing whatever small land they have, landlessness will undoubtedly continue in the foreseeable future. In addition to demographic factors, many of the land access/transfer mechanisms are either totally prohibited or constrained by the existing land policies. Diminution of holdings and tenure insecurity are additional access problems. It is also possible that the existing land registration and certification policies may even have made the tenure system more rigid by limiting customary and informal land access mechanisms and denying access to many of the rural poor. The effectiveness of resettlement is debatable and it is practiced more to ameliorate food crisis than to give land to the landless.

5.2 Tenure issues and resource management.

The assertion that land certification will bring about tenure security and ultimately to better resource management by farmers and pastoralists seems based on simplistic assumptions.¹⁷ The relationship between tenure security and investment in land has not been established decisively. The official statements in Ethiopia are largely based on general theory than empirical evidence. The classical tenure security and increased agricultural productivity linkage has been challenged on many grounds. Studies on experiences of many African countries also show that tenure security is a necessary but not sufficient condition for successful soil and water conservation systems. Returns to investments in conservation, population pressure and land scarcity, which leads to intensification, markets and infrastructure, and access to information and technology were also found relevant (Reij et al, 1996).

A huge project to evaluate the experience of land registration and tenure reform in Africa (in 41 countries), concluded that “results of registration projects have been disappointing, that in general they have either not achieved what have been predicted or achieved it to a lesser degree than expected or, in some cases, have had undesirable consequences.” The study noted that: “Registration and title are no guarantee of success but merely the necessary foundation” (Dickerman 1989). The reasons cited include failure to fulfil expectations due to erroneous assumptions about the workings of customary/prevailing land tenure system and the benefits of registration. It was found that real practices and cultural values have made registration a futile

¹⁷ The classical tenure security and increased agricultural productivity linkage theory has been challenged on many grounds. Studies on experiences of many African countries also show that tenure security is a necessary but not sufficient condition for successful soil and water conservation systems. Returns to investments in conservation, population pressure and land scarcity which leads to intensification, markets and infrastructure, and access to information and technology were also found relevant (Reij et al, 1996).

exercise, that the new statutory [land administration] systems failed to keep on carrying out the duties of land administration properly and continuously; and that land registration has exacerbated rural inequalities by way of eroding the social security system by lessening relations based on land, undermining customary land transfer systems, denying access those without clear land rights. It is important to learn from experience and not to repeat mistakes.

Tenure security is more about people's perceptions. Have the rural people developed a strong confidence in the land administration system? Does the land administration system seem feasible and sustainable at the local level? Is there adequate system of land use policy and planning? The new land administration system has to go a long distance to convince landholders that it could protect their rights. As things stand now, there are confusions over jurisdiction and lack of strong institutional set up at the national and local levels. This is more problematic when communal resources and local institutions are considered particularly in pastoralist areas. The immense task of maintaining land administration system at the local level seems not well thought out. The registry system, its updates, dispute resolution, and other demanding tasks do not seem taken care of. In such a situation, where the traditional resource administration systems are undermined while at the same time the modern administrative mechanisms are not yet in place, what prevails is confusion and possibly mismanagement of resources. Therefore, establishing strong resource management and administration systems that ensure security of rights and proper management of natural resources is a real challenge, at least in the short run.

5.3 Good tenure systems require good governance

Given the level of modernization and resource availability in the country, a rural land tenure system that is not based on the genuine participation of the rural people cannot be sustainable. One important element lacking in the existing tenure system is lack of mechanisms to practice the rule of law. Peasants are dispossessed arbitrarily from their holdings and there are no specific institutional systems that redress such happenings. The failure of past top-down resource management systems in Ethiopia is a good experience. As a tradition, in this country rural people are not consulted on development issues that affect their lives. It is an interesting exercise to think about what the significance of land certification is, for instance, to Ethiopian pastoralists. It is equally puzzling to think about how the proposed land administration system could function in such communal tenure areas. And yet, there is no attention given to local institutions and traditions in those recent land administration laws and policies.

Local people are accustomed to acquiescence as a strategy of living with such unwelcome high-handed government policies and actions. But they also effectively react when conditions allow them to do so. That is what happened during the Derg time: most of those legal restrictions provided by land laws were not observed on the ground. Rural people were guided more by pragmatic conditions than political wishes (from the side of peasants and pastoralists it becomes the issue of "their laws, our lands"). In many African countries, there are provisions for customary tenure and recognitions for local traditions and structures. Tenure systems evolve and rush for their replacement does not work. Institution building, clarity of assignments and coordination are also necessary if the present land administration efforts are to produce any results.

5.4 A good tenure system is a necessary but not sufficient condition for agricultural transformation and rural poverty alleviation

Secure and flexible tenure system can do a lot towards providing access to and control over land and efficient land utilization and management of resources. But it cannot be a panacea for rural poverty. In this country, regarding rural development issues, it seems that there is too much emphasis on land tenure (and on land ownership in particular) and little attention is given to other complementary efforts. For instance, unless there is dynamic economy including rural industrialization that absorbs the excess labour in the countryside, good tenure system alone will not solve land shortage problems. Unless productivity is increased to effectively utilize existing land resources, land-people ratio continues to decline at least in the short run. The farming households are currently living on the average on about one hectare of land but producing not enough to feed the family. But China's dramatic rural transformation had been achieved on 0.6 average holdings. Therefore, it is important to think towards a more concerted effort: appropriate tenure, rural services, rural institutions, resource allocation to the rural sector, technology, diversification of the economy, and other strategies that play a role in rural development. It is the synergy of such multi-faceted efforts that will bring about transformation of the economy and alleviation of rural poverty.

PART TWO: HIGHLIGHTS OF THE THEMATIC DIALOGUE

6.0 National dialogue on Ethiopian case study of “Best policies and practices for securing and improving access to and control over land”

17 January 2006, Addis Ababa

6.1 Ethiopia’s contribution to the conference

ActionAid Ethiopia (AAE), an implementing Agency of the International Food Security Network Projected financed by EC, became interested in not only to develop a case study and contribute to ICARRD, but to strengthen CSOs to jointly initiate a national dialogue and debate on land related policies and practices. Accordingly, AAE, through the IFSN project, commissioned Development of a case study on: “Best policies and practices for securing and improving access to and control overland.”

As per FAO’s guideline, the thematic dialogue and reporting of the case study involves the following processes:

1. Diagnosis of the problem
2. Development of the case study
3. Debating on the proposed methodology and experience and enriching the case study;
4. Reporting to FAO

6.2 Diagnosis of the problem

This was done through discussion with Ato Desalegn Rahmato, a prominent expert on the subject, and a half day brainstorming workshop that was conducted on 14 December 2005 in the presence of different stakeholders including FAO representatives;

Following the presentation of the outline of the study by the national consultant, participants indicated that land tenure including access and control over land in Ethiopia is a contentious and politically sensitive issue. Thus, they agreed that it was high time and important to better understand current policies and practices on access to and control over land. They further suggested that debates, dialogue and sharing of research findings and experiences in the subject is commendable and need to take place on a recurring basis.

Finally, participants suggested to the consultant not to focus on the past history of land tenure, but to look more in to the current policies and practices.

Having taken notes of the suggestion during the Brainstorming workshop, the consultant was able to produce a draft report, which was then presented in the national workshop to debate on the proposed methodology, the findings and experience, and to further enrich the case study.

6.3 Overview of the National Dialogue Workshop on Ethiopia’s Case study: “Best policies and practices for securing and improving access to and control over land in Ethiopia”

Based on the AAE’s Commitment to support and strengthen forums and networks of CSOs, AAE and RDF entered in to and signed financial agreement with RDF/CRDA. RDF is a forum of many Non-Governmental Organisations under the auspice of Christian Relief and Development Association (CRDA). Thus, AAE financially supported RDF/CRDA to undertake different activities focusing on contributing to the study of and the lobbying for policy that influences food security strategy in Ethiopia.

On 17 January 2006, therefore, the Rural Development forum (RDF) of CRDA and ActionAid Ethiopia jointly facilitated the “National Dialogue on ‘Best Policies and Practices for Securing and Strengthening Access to and Control Over Land in Ethiopia.’”

More than 20 participants from Government (Land Use and Administration dept of the Ministry Agriculture and Rural development), NGOS/CSOs and FAO actively participated in the national Dialogue workshop.

Before the presentation of the study report, Ato Tenna Shitarek made a brief presentation of ICARRD and the process that we followed to develop the case study. He also added and clarified the purpose of this workshop, which are stated as follows:

1. To present and analyze the proposed experience and lessons learned at national workshop with the participation of governmental and non-governmental institutions/actors
2. To debate about the methodology, implications of the findings and forward possible suggestions and recommendations on the same;
3. To enrich the final report to be submitted to the Steering Committee (SC)

After this brief back ground, Ato Yigremew Adal, the national consultant made a presentation of the findings of the study, which was then followed by questions, discussion and comments from both the participants and the presenters. The main points of this discussion are summarised as follows:

6.4 Views from diverse stakeholders: questions, comments and discussion

- The problem of landlessness is serious in the highlands of Ethiopia where there is high population density. As confirmed by many studies, only a small portion of the country’s arable land is cultivated so far. So the study should bring this paradoxical issue – abundance versus scarcity - to the front so that policy makers can take action.
- As stated in the presentation, the methodology used for the study is mainly desk review. But it would have been better if it included farmers’ own perception on the merits and demerits of the new land reform. Was there any attempt made in this regard?
- What is the value of land itself? Is it really possible to articulate the value of land, particularly the value of rural land? The study would be more substantiated if comparative land values (urban-rural) could be indicated.

- It has been stated in the paper presented that there are vulnerable sections to the society - such as landless, women, etc. - that have difficulty securing access to land. The study will be more helpful if this section of the society could be quantified and expressed in terms of percentages or numbers;
- Why have customary (traditional) land administration methods used by the communities been neglected by the new Federal and Regional land administration policies?
- In some cases it has been observed that the newly drafted Federal land administration policy is weakening some of the good land administration practices of Regions. What has been done in this regard?
- This study took Amhara region where land tenure is very severe as a case to develop the study. But the study could have been more realistic if different regions were included so that comparative data might have been generated that reflect the actual situation of the country.
- The study is not followed by any recommendation for action .Is it not possible to make some recommendation for action based on the case study?
- In study it has been mentioned about the ongoing activity of land certification as a means to ensure land security in Amhara Region. What will be done to ensure status quo if the certification is revoked in particular its repercussion to landholders, i.e. being evicted?
- The main cause for rural women's problem to access to land in the study is simply stated as patriarchal social systems. But the problem has to be elaborated and detailed because the patriarchal problem is a general one and does not lead to any specific action.
- In the study paper it has been stated the need for more political commitment to ensure good land tenure system. What are these more political commitments mean? It will be good if these commitments are a bit specified and clarified;
- What are the issues that can be taken for advocacy purpose from the study?
- The role of different stakeholders in the land administration policies and issues need to be highlighted by the study.
- The scope and limitations of the study must be outlined in the outset.
- The issue of control over land must be reemphasized as a great concern in the Ethiopian context by the study.
- HIV, AIDS and malaria are changing the demographic factors resulting in more orphans and widows which directly affect the land tenure system. Has the study tried to observe this fact and highlight the problem?
- The FAO guideline suggests, "Best policies and practices on access to and control over land and water" to be presented as a case study. Here two questions can be raised; firstly why were the water issues neglected? Is the land administration policy really best?

6.41 Comments and explanations by Ato Yigremew, Consultant

- With regard to the methodology, due to time, logistic and other constraints the study is limited to only desk review of the empirical studies. As a result the study lacked some first hand information especially of farmers' opinions and perception
- The study document is more than 50 pages and most of the issues and concerns raised by the participants are covered by the study.

- The land administration policy is too early to evaluate. As a result concerns such as what will happen if the certification is revoked cannot be answered at this particular time.
- In this study identification of the problem is seen as the major task and hence specific recommendations are not made.
- With regard to empowering women, both the husband and wife are included in the certification process thus ensuring women to own land as opposed to the customary one that excluded wives from land ownership;

6.42 Comments and explanation by Ato Solomon, Land Use and Administration Department Head, from the Ministry of Agriculture & Rural Development

Ato Solomon from MOARD gave the following comments with the ongoing and new developments in the Ministry with regard to land administration laws and polices, which included clarification on amendments made in Regional laws, the undergoing harmonization processes being made between the Federal law of 2005 and the laws issued by the regional states before 2005, he also complemented the findings of consultant:

- Rental period for Tigray Region with modern technology is amended to 20 years (instead of 10 years in the law that was issued in 2002); where as the 25 years rental period for Amhara region is specified only for the use of modern technology and not for all types of rental arrangements.
- In the newly enacted land administration law, investors who lease land can use their land for mortgage purposes.
- A series of meetings and deliberations with the Ministry of Rural and Agricultural Development are underway to harmonize the Federal land administration with that of the Region states' land administrations.
- With the support from USAID, the Ministry of Rural and Agricultural Development is finalizing its preparations to undertake cadastral survey;
- All the necessary care and precautions have been taken in an effort not to disturb the customary land tenure system once the new Federal land administration policy is enacted.

PART THREE: POSSIBILITIES FOR FUTURE COOPERATION

7.0 Opportunities for future cooperation; potential areas of intervention

During the two workshops conducted in the process of preparing this case study, many issues were raised as to what to contribute in such efforts towards establishing a more secure access and control over land by the rural people. It was mentioned that USAID, SIDA, GTZ, SOS-Sahel, ActionAid Ethiopia, OXFAM International (including its members like OXFAM GB and NOVIB), CDRA through its Rural Development Forum, Sustainable Land Use Forum, International Civil Society Food Security Network, Forum for Social Studies, Ethiopian Economic Policy Research Institute, Addis Ababa University and other organizations have been working and/or have interest to work in the area of rural land tenure. SIDA and USAID are explicitly supporting the country's effort towards the establishment and strengthening of land administration systems.

Workshop participants, including government representatives indicated that partnership is sought in areas of strengthening systems and institutions of rural land administration. Cooperation could be fostered in areas of assisting the development of land administration laws and policies in those regions where they are not established yet, as well as strengthening such laws and policies in regions where they have already been developed. Pastoralist areas are among those where the land administration system has not been introduced and this was given special attention by workshop participants. It was also mentioned that the land administrative systems have to take into consideration the livelihood systems of rural communities; this element has to be given attention. The impact of HIV/AIDs on land use and land access and control was also noted as an area of interest in cooperative efforts to strengthen the land administration systems.

In summary, workshop participants identified the following areas for future cooperation:

- Work collaboratively with government to establish and strengthen the land tenure administration body
- Conduct studies and arrive at possible actions to take to initiate and carry out land certification in pastoral areas.
- The institutional set up of the land administration body is very weak, creating an opportunity for NGOs to embark on capacity building of the same.
- Build the capacity of Wereda land administrative bodies and also that of farmers.
- HIV-AIDS is changing the land tenure system, and a study should be conducted to determine what should be done.

Among specific and potential intervention areas indicated by the workshop participants are the law-making process, organizational set up and capacity, land registration and certification, HIV/AIDs and access and control of land, women's land access and control, consultation of land users in assessing the tenure situations and developing land administration institutions, and examining and incorporating community livelihoods in the land administration system. It was noted that land administration laws have to be developed in consultation with land users (farmers and pastoralists) and that other stakeholders and partners could also contribute towards improving the law-making process. It was known that among the nine regional states in the

country, only four regions have developed land administration laws and institutions. Even in these regions land laws and institutions need further improvements and strengthening. Land registration and certification have been started but not yet completed in these regions. Moreover, it was mentioned by participants from the Federal Ministry of Agriculture and Rural Development in the workshop that land administration laws and institutions are in process in some areas that are predominantly pastoralist. It was also clear that many of such regional governments have capacity limitations in the technical areas of land administration. Establishing and strengthening land administration organizations is a huge task that requires support in different areas.

The need to focus on vulnerable groups throughout the process of establishing the land administration system was also given attention by workshop participants. It was reported in the case study presentations that the landless – particularly young peasants, pastoralists, women and female-headed households and resettlers – have problems in securing adequate access to land. Moreover, participants have noted that the prevalence of HIV/AIDS and its impact on rural communities in terms of access to, use of and control over land must be given special attention. Orphans, female-headed households, and a shortage of male adult labour were cited as serious problems that are consequences of HIV/AIDS. These have important implications in land access, use and control in rural areas.

Therefore, there are ample opportunities for cooperation with federal and regional governments in terms of developing and strengthening their land administration laws and institutions and making such efforts ultimately contribute to poverty reduction and rural development efforts of the country.

ANNEXES

Annex 1: List of participants of the dialogue workshop, January 17, 2006.

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Annex 2: List of participants of the brainstorming workshop, December 14 2005.

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